

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:  
Tommy Constantine

Serial No.:  
10/809,015

Filed:  
25 March 2004

For:  
CREDIT CARD REFERRAL  
METHODS

Ex:  
Art Unit: 3629

RENEWED PETITION TO MAKE SPECIAL  
PURSUANT TO 37 C.F.R. 1.102  
(MPEP 708.02 PETITION TO MAKE SPECIAL)

Mail Stop PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the 28 June 2005 Decision On Petition to Make Special dismissing Applicant's Petition to Make Special submitted on 25 February 2005. A shortened statutory period for response was set for 2 months, up to and including 28 August 2005. In response to the 28 June 2005 Decision On Petition to Make Special dismissing Applicant's Petition to Make Special submitted on 25 February 2005, this is a Renewed Petition to Make Special which is believed to satisfy the requirements as set forth in MPEP § 708.02 VII.

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All claims presently pending in this case are directed to a single invention. Nevertheless, Applicant is willing to elect without traverse should a restriction or election be required.

No pre-examination search was conducted by Applicant. However, the present case is a continuation application of United States Application SN 10/263,321, which is now issued United States Patent No. 6,739,506 (the '506 patent). The prior art of record in conjunction with the '506 patent are Kanter (U.S. Patent No. 5,537,314), Burton et al. (U.S. Patent No. 5,025,372), Selgas et al. (U.S. Patent No. 6,571,290), and Shurling et al. (U.S. Patent No. 6,009,415), copies of which are enclosed.

In the only independent claim now pending in this case, namely, independent claim 21, Applicant claims a method including the steps of 1) providing an authorized user of a credit card issued by a service provider; 2) the authorized user incurring debt on the credit card; and 3) for a predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an entry into a sweepstakes on behalf of the authorized user. In the third full paragraph of page 3 of

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the Notice of Allowability issued of the '506 patent file history, a copy of which is enclosed herewith, the Examiner states that "Shurling, Selgas, and Burton, taken alone or in combination thereof, fails to teach the steps of the authorized user incurring debt on the credit card; and for a predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an entry into a sweepstakes on behalf of the authorized user." This statement made the Examiner, of which Applicant and his undersigned Attorneys are in full agreement with, clearly shows how the claimed subject matter in the only independent claim now pending in this case, namely, independent claim 21, is patentable over Shurling, Selgas, and Burton, which are referenced that are deemed most closely related to the subject matter encompassed by the claims now pending in this case.

Kanter is not deemed most closely related to the subject matter encompassed by the claims now pending in the present application. Nevertheless, Kanter teaches a computer assisted system for a multilevel incentive program that acts as an advertising campaign for a sponsoring company, and, moreover, a referral recognition system for an incentive award program. However, nowhere does Kanter

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teach or suggest, either alone or in combination with one or more of Shurling, Selgas, and Burton, a method that includes "the authorized user incurring debt on the credit card; and for a predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an entry into a sweepstakes on behalf of the authorized user." Accordingly, the subject matter set forth in independent claim 21 of the present application is clearly patentable over Kanter.

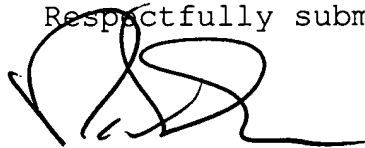
It has been recently discovered 1) that there is an infringing method presently in use, 2) that a rigid comparison of the method with the claims of the above-referenced application has been made, 3) that the undersigned attorneys for Applicant are of the opinion that at least independent claim 21 of the present application is currently and unquestionably infringed, and 4) that Applicant and Applicant's undersigned attorneys have a good knowledge of the pertinent prior art. It is therefore respectfully requested that the above-identified patent application be made special because of actual infringement. In support of this petition enclosed a check for the \$130.00 fee as prescribed by 37 C.F.R. § 1.17(h) has been previously submitted.

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In view of the foregoing, it is believed that this Renewed Petition to Make Special satisfies the requirements set forth in MPEP § 708.02 VII and should be granted.

Date: 8/11/2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael W. Goltry', written over a horizontal line.

Michael W. Goltry  
Attorney for Applicant  
Reg. No. 39,692  
**CN 45848**

4000 North Central Avenue  
Suite 1220  
Phoenix, Arizona 85012  
(602) 252-7494



RECEIPT OF THE FOLLOWING IS HEREBY ACKNOWLEDGED AT THE  
UNITED STATES PATENT AND TRADEMARK OFFICE:

1. Certificate of Mailing, dated 11 AUGUST 2005
2. Renewed Petition to Make Special
3. Attachments
4. Postcard for Return Receipt

FOR: TOMMY CONSTANTINE

4089-A3C

ENTITLED: CREDIT CARD REFERRAL METHODS

SN: 10/809,015

FILED: 25 MARCH 2004

MWG/jc

11 AUGUST 2005

DATED:

# Notice of Allowability

Application No.

10/263,321

Examiner

Kimberly D. Nguyen

Applicant(s)

CONSTANTINE, TOMMY

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 September 2003.
2. ☒ The allowed claim(s) is/are 1,2,4-12,14-18 and 20.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____  | 7 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Amendment filed 26 September 2003.

### *Allowable Subject Matter*

2. Claims 1-2, 4-12, 14-18 and 20 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to specifically teach a method including steps of: providing an authorized user of a credit card issued by a service provider; the authorized user referring a first customer to the service provider for credit card services; the first customer submitting an application for credit card services to the service provider; the service provider receiving, processing and approving the application and issuing a credit card to the first customer establishing a first referred authorized user of a credit card; and in consideration therefore to the authorized user the service provider issuing valuable consideration to the authorized user; the authorized user incurring debt on the credit card; and for a predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an entry into a sweepstakes on behalf of the authorized user.

Shurling teaches a method comprising steps of: providing an authorized user of a credit card issued by a service provider; the authorized user referring a first/new customer to the service provider for credit card services; the first/new customer submitting/enrolling an application for credit card services to the service provider; the service provider receiving, processing and approving the application and issuing a credit card to the first customer establishing a first referred authorized user of a credit card; and in consideration therefore to the



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authorized user the service provider issuing valuable consideration (i.e., Incentive Rewards) to the authorized user for every predetermined number of referred authorized users of credit cards.

Selgas teaches the step of the user enters registration information about the user and Referral Information if available, which serves as the first customer designating the authorized user as a referring party.

Burton teaches an incentive award program, which serves as the valuable consideration, comprises a monetary payment, wherein the monetary payment is also considered as a gift.

However, Shurling, Selgas and Burton, taken alone or in combination thereof, fails to teach the steps of the authorized user incurring debt on the credit card; and for a predetermined amount of debt incurred by the authorized user on the credit card, the service provider submitting an entry into a sweepstakes on behalf of the authorized user.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798 and 571-272-2402 effective 14 January 2004. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503 and 571-272-2398 effective 14

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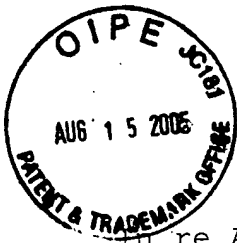
January 2004. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.

KDN

2 January 2004

  
MICHAEL G. DEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800



1FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Application of:

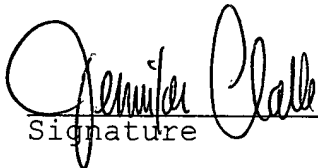
Applicant: TOMMY CONSTANTINE )  
Serial No.: 10/809,015 ) Ex:  
Filed: 25 March 2004 ) Art Unit: 3629  
For: CREDIT CARD REFERRAL METHODS )

CERTIFICATE OF MAILING

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:


I hereby certify that the attached Renewed Petition to Make Special; Attachments and a postcard are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450, on 11 August 2005.

  
Signature

11 August 2005

11 August 2005  
Date

Respectfully Submitted,

  
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**CN 45848**

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